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January 15, 2008

EPA Region 5 Records Ctr.



365907

Mr. Michael Berkoff  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Blvd. SR-6  
Chicago, IL 60604

**Re: Clarifications on the First Five-Year Review Report for the Allied Paper, Inc./Portage Creek/Kalamazoo River Site October 2007**

Dear Michael:

After review of the October 2007, First Five-Year Review Report for the Allied Paper, Inc./Portage Creek/Kalamazoo River Site (Site), and discussions at our December 7, 2007, meeting in Chicago, Weyerhaeuser has prepared this letter that clarifies, updates, and as necessary, corrects issues that are inconsistent with our obligations and approaches for implementing the Consent Decree required response actions at the 12<sup>th</sup> Street Landfill. Specifically, this letter is intended to document the common understanding between Weyerhaeuser and United States Environmental Protection Agency (U.S.EPA) regarding four specific issues discussed in the Five-Year Review Report so that we can move forward with the Remedial Design/Remedial Actions at 12<sup>th</sup> Street without further confusion. The specific points of clarification summarized below and the Supporting Information Attachment describes the issues and provides the various citations needed to support the conclusions and modifications presented in this letter.

1. ***Consent Decree document deadlines not triggered.*** The timeline for document preparation incorporated into the 2005 Consent Decree has not been triggered by the approval of Supervising Contractor for the Emergency Action in the former Powerhouse Channel. We further agreed during our meeting that the trigger date for the Remedial Design work plan would be January 7, 2008, and that we are planning to submit a draft work plan faster than the allowable 60 days.
2. ***Protectiveness determination did not consider the most recent site information and thus is not directly applicable to the current site conditions.*** U.S.EPA's "Not Protective" determination for OU-4 (12<sup>th</sup> Street Landfill) is not based upon in-place land use restrictions, the most current data and the access restrictions associated with the Plainwell Impoundment Time Critical Removal Action (TCRA). Furthermore, since construction of the 12<sup>th</sup> Street Landfill remedy has not been completed, the documentation of this determination in the 2007 Five-Year Review may be premature.
3. ***A fence will not need to be installed by December 2007.*** There are several reasons that a fence is not needed. First, the most recent data collected in 2003 established that the polychlorinated biphenyls (PCBs) concentrations in surficial (less than 1 foot) soil samples were less than the protective concentrations for recreational use. Secondly, the location near the secure quarry, the wetlands buffer and the existing gate installed as part of the TCRA limit access, and thirdly, land use restrictions limit alternative exposure scenarios. Furthermore, Weyerhaeuser is considering a plan to integrate an Eco-Park closure approach that could include part of an extended Kalamazoo Riverwalk (as requested by

Mr. Michael Berkoff  
USEPA, Region V  
December 18, 2007

Otsego Township) into the final closure at the 12<sup>th</sup> Street Landfill. In this concept, access to the landfill cover soils would be limited by vegetative plantings, designated walk paths/boardwalks, and railings on the boardwalks. Finally, any fencing installed now would need to be removed during remedy construction in order to relocate residuals into the landfill footprint as required by the Record of Decision for the 12<sup>th</sup> Street Landfill site.

We would appreciate it if U.S. EPA would consider either amending the current Five-Year Review Report or adding this letter to the administrative record as a clarification. Then this information will be available in the record for the next 5-year review. Weyerhaeuser looks forward to continuing our cooperative working relationship with the U.S. EPA on this project.

Sincerely,

Weyerhaeuser Company

A handwritten signature in black ink, appearing to read "Jennifer Hale", written in a cursive style.

Jennifer Hale  
Environmental Manager

cc: John Gross  
Joseph Jackowski  
Mark Schneider  
Eileen Furey  
Kathy Huibregtse

## 12<sup>th</sup> Street Landfill Remedial Design/Remedial Action Meeting

### Supporting Information on Clarification Regarding the First Five-Year Review Report for the Allied Paper Inc./Portage Creek/Kalamazoo River Site dated October 2007

After review of the October 2007, First Five-Year Review Report for the Allied Paper, Inc./Portage Creek/Kalamazoo River Site (Site), Weyerhaeuser identified and discussed several issues that require clarification as part of the implementation of the Consent Decree required response actions at the 12<sup>th</sup> Street Landfill. The specific United States Environmental Protection Agency (USEPA) clarifications needed to address these concerns are summarized in the accompanying letter. This brief attachment provides additional details on the language from the Five-Year Review Report and a summary of supplemental information or data that form the basis for the clarifications.

1. **Consent Decree Deadlines:** The timeline incorporated into the 2005 Consent Decree has not been triggered by the approval of Supervising Contractor for the Emergency Action in the former Powerhouse Channel. This understanding by Weyerhaeuser is in contrast to the statement on page 40 of the Five-Year Review Report that states, "In May 2007, U.S. EPA notified Weyerhaeuser to begin the design phase of the 12<sup>th</sup> Street Landfill remedy..."
  - Based upon our discussions with USEPA, the May 17, 2007, USEPA letter approving RMT as the Supervising Contractor was necessary to allow implementation of the Emergency Action provisions of the Consent Decree (Paragraph 67) but did not initiate a start time for the Remedial Design/Remedial Action tasks for the 12<sup>th</sup> Street Landfill Site.
  - EPA and Weyerhaeuser agreed in a December 7, 2007 meeting that the trigger date for the 12<sup>th</sup> Street Landfill Remedial Design activities would be January 7, 2008.
2. **Protectiveness Determination:** USEPA's "Not Protective" determination for 12th Street Landfill OU-4 (see Executive Summary of Five-Year Review Report, page 8, last paragraph) is not based upon in-place land use restrictions and the most current data.
  - Site activities are limited by recorded land use restrictions. (See Attachment 7 to the Five-Year Review Report and note that Attachments 6 and 7 are switched in subject reference). Observed use is limited to recreationalists. The 1994 Technical Memorandum No. 8 states that the site was used by recreationalists (Section 5-7 "the area is frequented by loggers, anglers, canoeists workers on lunch break and general recreationalists"). Thus, the applicable human exposure scenario is the recreational user scenario with exposure through incidental ingestion, dermal contact, or inhalation of surface soils. The approved Human Health Risk Assessment (MDEQ, May 2003) calculated a protective PCB soil concentration of 23 mg/kg (based on a 1E-05 Cancer Risk) (see Table 6-7, page 6-6 of the Human Health Risk Assessment).
  - According to the Five-Year Review Report, the data reviewed for the 12th Street Landfill was from the 1994 Technical Memorandum No. 8. The Five-Year Review Report cites the maximum concentration of 158 mg/kg in "surface soil." The Figure 3-11 (location DB-3) from Technical Memorandum No. 8 shows that the sample with this concentration was taken from a depth of 12 to 24 inches (1 to 2 feet) below ground surface (bgs), rather than the surface 6 to 12 inches. The depth of the sample eliminates most concerns for incidental exposure to PCBs in this location.
  - The average concentration of the 181 samples analyzed from the 2003 pre-design sampling activities was 1.6 mg/kg. The maximum sample concentration of 38.7 mg/kg was reported from the 12 to 24 inch depth. Furthermore, several samples were collected near the location identified

in the Technical Memorandum of this maximum PCB concentration and were well below that maximum concentration. See Tables 1 to 3 from the Pre-design Data Report that summarize average and maximum concentrations 10 years after the 1994 Technical Memorandum was prepared.

- The data collected during pre-design in 2003 and evaluated by the FIELDS Team were compiled in 2004. The average total PCBs concentration in 131 samples of surface soils to depths of 12 inches was 1.61 mg/kg with a maximum concentration of 21 mg/kg total PCBs (see Tables 1 to 3 from the Pre-design Data Report).
  - These data confirm that the most recent surface soil PCB concentrations are less than the protective soil concentration of 23 mg/kg calculated from the Human Health Risk Assessment dated 2003 and cited in the 12th Street Record of Decision. Thus, the more current data do not support a conclusion that the conditions on site are not protective even prior to remedy completion.
3. ***Fencing by December 2007:*** The recommendation that a fence be installed by December 2007 (page 50 of the Five-Year Review Report) is not necessary based upon more current soil sample information and is not consistent with implementation of the activities required in the ROD.
- Access to the site is already limited at several locations. The current Plainwell Impoundment Time Critical Removal Activities include a secure gate that limits access to the Michigan Department of Natural Resources (MDNR) site south of the 12th Street Landfill; the Quarry site directly west of the landfill also has access control and a steep side slope adjacent to the 12th Street Landfill Site and the wetlands north of the facility are not accessed by a public road and create an approximately 10-acre buffer to the north.
  - The final closure being considered for the 12<sup>th</sup> Street Landfill incorporates an Eco-Park concept consistent with many sites already closed using the Superfund Return to Reuse Initiative. This program has already applied reuse approaches at 300 NPL sites, with 35 designated primarily for ecological purposes. The Eco-Park concept provides educational opportunities and improves available natural resource without jeopardizing final remedy protectiveness of human health and the environment.
  - Fencing the site reduces the ability to design an aesthetic Kalamazoo Riverwalk along the 12<sup>th</sup> Street Landfill Site as desired by Otsego Township. There is interest in enhancing the use of the Kalamazoo through an extended Kalamazoo Riverwalk from Plainwell to Otsego. This walk could easily be integrated with the Eco-Park at 12<sup>th</sup> Street. Fencing the landfill reduces options for the potential final design concepts of both the Eco-Park and a riverwalk.
  - The components of the remedy defined by the ROD include consolidation of residuals present outside the landfill footprint. Installation of a fence prior to remedy construction would hinder implementation of the ROD with limited benefits.
  - The final cover will provide a liner and multiple layers of clean soil over the contents of the 12<sup>th</sup> Street Landfill, thus eliminating exposure pathways for both human and ecological receptors. This cover can be maintained regularly as part of the Eco-Park operation and maintenance activities.